State

2013 DRAFTING REQUEST

Bill								
Receiv	ved: 2	2/26/2013				Received By:	agary	
Wante	ed:	As time permits				Same as LRB:		
For:	•	Jerry Petrov	/ski (608	3) 266-2502		By/Representing:	Tim Fiocchi	
May C	Contact:					Drafter:	agary	
Subjec	et:	Fransportat	ion - mo	tor vehicles		Addl. Drafters:		
						Extra Copies:	EVM	
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Pre To	opic:							
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Topic	•							
Michi	gan borde	er permits for	overwei	ght vehicles	on USH 2 is	n Florence County		
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Drafti	ing Histo	ry:						
<u>Vers.</u>	Drafted	Rev	iewed	Typed	Proofed	Submitted	Jacketed	Required
/?	agary 3/1/201	3						
/P1	agary 3/6/201	jdye 3 3/5//		rschluet 3/5/2013	***************************************	mbarman 3/5/2013		State S&L Vehicle

jdyer

/P2

agary

jfrantze

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LRB-1735

3/8/2013 11:37:05 AM Page 2

Vers.	<u>Drafted</u> 3/8/2013	Reviewed 3/6/2013	<u>Typed</u> 3/6/2013	Proofed	<u>Submitted</u> 3/6/2013	<u>Jacketed</u>	Required S&L
/1		jdyer 3/8/2013	jmurphy 3/8/2013		mbarman 3/8/2013	mbarman 3/8/2013	State S&L

FE Sent For:

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Bill										
Recei	ved:	2/26/2013	3			Received By:	agary			
Wante	ed:	As time p	permits			Same as LRB:				
For:		Jerry Per	trowski (60	8) 266-2502		By/Representing:	Tim Fiocchi			
May Contact:						Drafter:	agary			
Subject: Transportation - motor vehicles						Addl. Drafters:				
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LRB-1735

3/8/2013 11:35:03 AM Page 2

Vers.	<u>Drafted</u> 3/8/2013	Reviewed 3/6/2013	<u>Typed</u> 3/6/2013	Proofed	Submitted 3/6/2013	<u>Jacketed</u>	Required S&L
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May C	Contact:					Drafter:	agary			
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FE Sent For:

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Bill									
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Wanted:	As time po	ermits			Same as LRB:				
For:	Jerry Peti	rowski (608	3) 266-2502		By/Representing:	Tim Fiocchi			
May Contact:					Drafter:	agary			
Subject:	Transpor	tation - mo	tor vehicles		Addl. Drafters:				
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FE Sent For:

Bill								
Received:	2/26/2013			Received By:	agary			
Wanted:	As time pern	nits	:	Same as LRB:				
For:	Jerry Petrow	rski (608) 266-2502		By/Representing:	Tim Fiocchi			
May Contact	: :]	Orafter:	agary			
Subject:	Transportati	on - motor vehicles		Addl. Drafters:				
]	Extra Copies:	EVM			
Submit via e Requester's e Carbon copy	email:	YES Sen.Petrowski@le aaron.gary@legis	0	0				
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FE Sent For:

Gary, Aaron

From:

Fiocchi, Tim

Sent:

Tuesday, February 26, 2013 9:48 AM

To: Subject: Gary, Aaron Bill Draft

Attachments:

SB-209.pdf

Hi Aaron,

I need to get a bill draft to add Florence County to the list of counties in which you can run Michigan configured trucks on Highway 2. I've attached 2007 SB 209 which was the last expansion of this.

One other note, the statute citation on this for MI law as of 2004 may need an update. Let me know if you need any other info.

Tim Fiocchi Chief of Staff, Senator Jerry Petrowski 29th Senate District (608) 266-2502



State of Misconsin 2013 - 2014 LEGISLATURE





PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

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AN ACT ...; relating to: annual or consecutive month permits for vehicles or combinations of vehicles transporting loads near the Wisconsin-Michigan border.V

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Analysis by the Legislative Reference Bureau

Under current law, with limited exceptions, no person may operate on a highway any vehicle or combination of vehicles (vehicle) that exceeds certain statutory limits on size, weight, or load unless that person possesses a permit issued by the Department of Transportation (DOT). DOT may issue an annual or consecutive month permit (Michigan border permit) for an oversize or overweight vehicle to: 1) transport loads within 11 miles of the Wisconsin-Michigan state line; 2) transport certain forest products on USH 2 in Iron County or Ashland County or in Bayfield County from the Ashland County line through Hart Lake Road, if the vehicle's traveling between this state and Michigan and does not violate Michigan law, as of April 28, 2004; or 3) transport certain forest products on USH 2 from STH 13 in the city of Ashland through Hart Lake Road in Bayfield County, regardless of whether the vehicle is traveling between this state and Michigan.

This bill allows a vehicle operating under a Michigan border permit as provided in (2), above, to also operate in Florence County. Also under the bill, the vehicle's operation must be in compliance with current provisions of Michigan law, rather than Michigan law as of April 28, 2004.

Because this bill concerns an exception to the vehicle weight limits specified in ch. 348, stats., the Department of Transportation, as required by law, will prepare a report to be printed as an appendix to this bill.



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For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 348.27 (9) (a) 1. b. of the statutes is amended to read:

348.27 (9) (a) 1. b. The transportation of exclusively peeled or unpeeled forest products cut crosswise, wood chips, or forestry biomass anywhere upon USH 2 in Iron County, Florence County, or Ashland County or upon USH 2 in Bayfield County from the Ashland County line through Hart Lake Road if the vehicle or combination of vehicles is traveling between this state and Michigan and does not violate length or weight limitations established, as of April 28, 2004, under Michigan law.

History: 1973 c. 157, 316; 1973 c. 333 s. 190m; 1973 c. 336; 1975 c. 25, 285; 1977 c. 29 ss. 1488m, 1654 (8) (a); 1977 c. 30 s. 5; 1977 c. 191, 197, 272, 273, 418; 1979 c. 34, 315, 326; 1981 c. 20, 69, 163, 215, 391; 1983 a. 78 ss. 32 to 35, 37; 1983 a. 529; 1985 a. 29 s. 3202 (3); 1985 a. 202, 212; 1987 a. 27; 1989 a. 31, 35, 130, 305; 1991 a. 258; 1993 a. 62, 439; 1995 a. 113, 163, 227, 347, 348; 1997 a. 27, 35, 237; 1999 a. 85; 2001 a. 16; 2003 a. 210, 241; 2005 a. 119, 167, 250; 2007 a. 11, 16, 171; 2009 a. 28, 222, 229; 2011 a. 20, 32, 53, 55, 56, 58, 59, 117, 243; s. 13.92 (1) (bm) 2., (2) (i).

SECTION 2. Initial applicability.

This act first applies to permits issued on the effective date of this 9 subsection. 10

11 (END)

Gary, Aaron

From:

Fiocchi, Tim

Sent:

Tuesday, March 05, 2013 4:02 PM

To:

Gary, Aaron

Subject:

LRB - 1735

Hi Aaron,

I got the P1 draft and have looked it over. It looks correct but I'd like to put the "notwithstanding" language in on the report from DOT with the rational being that we already allow these loads on the portions of Highway 2 in two other counties.

Give me a call with any questions.

Thanks,

Tim

Tim Fiocchi Chief of Staff, Senator Jerry Petrowski 29th Senate District (608) 266-2502



State of Misconsin 2013 - 2014 LEGISLATURE





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ARG:jld:rs

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION



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AN ACT to amend 348.27 (9) (a) 1. b. of the statutes; relating to: annual or

consecutive month permits for vehicles or combinations of vehicles

transporting loads near the Wisconsin-Michigan border.

Analysis by the Legislative Reference Bureau

Under current law, with limited exceptions, no person may operate on a highway any vehicle or combination of vehicles (vehicle) that exceeds certain statutory limits on size, weight, or load unless that person possesses a permit issued by the Department of Transportation (DOT). DOT may issue an annual or consecutive month permit (Michigan border permit) for an oversize or overweight vehicle to: 1) transport loads within 11 miles of the Wisconsin–Michigan state line; 2) transport certain forest products on USH 2 in Iron County or Ashland County or in Bayfield County from the Ashland County line through Hart Lake Road, if the vehicle is traveling between this state and Michigan and does not violate Michigan law, as of April 28, 2004; or 3) transport certain forest products on USH 2 from STH 13 in the city of Ashland through Hart Lake Road in Bayfield County, regardless of whether the vehicle is traveling between this state and Michigan.

This bill allows a vehicle operating under a Michigan border permit as provided in item 2), above, to also operate in Florence County. Also under the bill, the vehicle's operation must be in compliance with current provisions of Michigan law, rather than Michigan law as of April 28, 2004.

Because this bill concerns an exception to the vehicle weight limits specified in ch. 348, stats, the Department of Transportation, as required by law, will prepare a report to be printed as an appendix to this bill.

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For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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SECTION 2. Initial applicability.

(1) This act first applies to permits issued on the effective date of this subsection.

11 (END)



2013-2014 DRAFTING INSERT FROM THE LEGISLATIVE REFERENCE BUREAU

LRB-1735/P2ins ARG:...:...

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INSERT ANAL:

Under current law, if any bill introduced in either house of the legislature directly or indirectly establishes an exception to vehicle weight limitations, DOT must prepare a report, containing specified information, relating to the bill within six weeks after the bill is introduced and before any vote is taken on the bill. This bill directs DOT not to prepare such a report on this bill because current law already allows the same loads to be transported on USH 2 in other counties.

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INSERT 2-7:

Section 1. Nonstatutory provisions.

(1) EXCEPTION TO REVIEW BY THE DEPARTMENT OF TRANSPORTATION. Notwithstanding section 13.096 (2) of the statutes, the department of transportation shall not prepare a report on this bill under section 13.096 (2) and (3) of the statutes because section 348.27 (9) (a) 1. b., 2011 stats., already allows the same loads to be transported on USH 2 in all or parts of Iron County, Ashland County, and Bayfield County.

DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU

LRB-1735/P2dn ARG: ∧:...

ATTN: Tim Fiocchi

I have added the requested nonstatutory provision relating to DOT's weight report, similar to that in 2011 AB-305. As discussed in connection with that bill, this nonstatutory provision would be effective only as an expression of a legislative intent to waive a legislative rule of proceeding. Section 13.096 creates requirements that are imposed on DOT before the bill is enacted, so technically the time of enactment is too late to eliminate an action required precedent to enactment. However, that being said, it is my view that s. 13.096 is actually a legislative rule of proceeding that the legislature could choose not to follow and this nonstatutory provision is an expression of legislative intent to waive this rule of proceeding.

If the attached draft meets with your approval, let me know and I will convert it to an introducible "/1" draft.

Aaron R. Gary Legislative Attorney Phone: (608) 261–6926

E-mail: aaron.gary@legis.state.wi.us

DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU

LRB-1735/P2dn ARG:jld:jf

March 6, 2013

ATTN: Tim Fiocchi

I have added the requested nonstatutory provision relating to DOT's weight report, similar to that in 2011 AB-305. As discussed in connection with that bill, this nonstatutory provision would be effective only as an expression of a legislative intent to waive a legislative rule of proceeding. Section 13.096 creates requirements that are imposed on DOT before the bill is enacted, so technically the time of enactment is too late to eliminate an action required precedent to enactment. However, that being said, it is my view that s. 13.096 is actually a legislative rule of proceeding that the legislature could choose not to follow and this nonstatutory provision is an expression of legislative intent to waive this rule of proceeding.

If the attached draft meets with your approval, let me know and I will convert it to an introducible "/1" draft.

Aaron R. Gary Legislative Attorney Phone: (608) 261–6926

E-mail: aaron.gary@legis.state.wi.us

Gary, Aaron

From:

Fiocchi, Tim

Sent:

Friday, March 08, 2013 9:46 AM

To: Subject: Gary, Aaron LRB 1735

Attachments:

13-1735_P2.pdf

Hi Aaron,

Please send over a /1 and jacket.

Thanks,

Tim

Tim Fiocchi Chief of Staff, Senator Jerry Petrowski 29th Senate District (608) 266-2502



State of Misconsin 2013 - 2014 LEGISLATURE

TOJAY



ARG:jld:jf

RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

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AN ACT to amend 348.27 (9) (a) 1. b. of the statutes; relating to: annual or

consecutive month permits for vehicles or combinations of vehicles transporting loads near the Wisconsin-Michigan border.

Analysis by the Legislative Reference Bureau

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This bill allows a vehicle operating under a Michigan border permit as provided in item 2), above, to also operate in Florence County. Also under the bill, the vehicle's operation must be in compliance with current provisions of Michigan law, rather than Michigan law as of April 28, 2004.

Under current law, if any bill introduced in either house of the legislature directly or indirectly establishes an exception to vehicle weight limitations, DOT must prepare a report, containing specified information, relating to the bill within

six weeks after the bill is introduced and before any vote is taken on the bill. This bill directs DOT not to prepare such a report on this bill because current law already allows the same loads to be transported on USH 2 in other counties.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

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348.27 (9) (a) 1. b. The transportation of exclusively peeled or unpeeled forest products cut crosswise, wood chips, or forestry biomass anywhere upon USH 2 in Iron County, Florence County, or Ashland County or upon USH 2 in Bayfield County from the Ashland County line through Hart Lake Road if the vehicle or combination of vehicles is traveling between this state and Michigan and does not violate length or weight limitations established, as of April 28, 2004, under Michigan law.

SECTION 2. Nonstatutory provisions.

(1) Exception to review by the department of transportation. Notwithstanding section 13.096 (2) of the statutes, the department of transportation shall not prepare a report on this bill under section 13.096 (2) and (3) of the statutes because section 348.27 (9) (a) 1. b., 2011 stats., already allows the same loads to be transported on USH 2 in all or parts of Iron County, Ashland County, and Bayfield County.

SECTION 3. Initial applicability.

(1) This act first applies to permits issued on the effective date of this subsection.

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